

**United States Court of Appeals**  
FOR THE DISTRICT OF COLUMBIA CIRCUIT

**No. 12-1100**

**September Term, 2015**

**EPA-77FR9304**

**Filed On: December 15, 2015**

White Stallion Energy Center, LLC,

Petitioner

v.

Environmental Protection Agency,

Respondent

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American Academy of Pediatrics, et al.,  
Intervenors  
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Consolidated with 12-1101, 12-1102,  
12-1147, 12-1172, 12-1173, 12-1174,  
12-1175, 12-1176, 12-1177, 12-1178,  
12-1180, 12-1181, 12-1182, 12-1183,  
12-1184, 12-1185, 12-1186, 12-1187,  
12-1188, 12-1189, 12-1190, 12-1191,  
12-1192, 12-1193, 12-1194, 12-1195,  
12-1196

**BEFORE:** Garland, Chief Judge; Rogers and Kavanaugh, Circuit Judges

**ORDER**

Upon consideration of the joint motion of Certain State and Industry petitioners to govern further proceedings, the motion of Tri-State Generation and Transmission Association Inc. to govern proceedings on remand from the U.S. Supreme Court and supplement thereto, the joint motion of the State, Local Government, and Public Health respondent-intervenors for remand without vacatur, the motion of respondent EPA to govern future proceedings, the motion of Industry respondent-intervenors to govern future proceedings, the response of EPA to petitioners' motions to govern future proceedings, the response of Certain State and Industry petitioners to motions to govern further proceedings of respondent and respondent-intervenors, the response of Tri-State Generation and Transmission Association Inc. to motions to govern and the supplement

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thereto, the joint response of the State, Local Government, and Public Health respondent-intervenors to State and Certain Industry petitioners' motions to govern, the consolidated response of Industry respondent-intervenors to petitioners' motions to govern future proceedings, the response of the Utility Air Regulatory Group ("UARG") to federal respondent's motion to govern future proceedings, the joint reply brief of the State, Local Government, and Public Health respondent-intervenors, the reply brief of Certain State and Industry petitioners in support of their joint motion to govern further proceedings, the reply of Tri-State Generation and Transmission Association Inc. and the supplement thereto, the reply of EPA in support of its motion to govern future proceedings, the reply of Industry respondent-intervenors in support of their motion to govern future proceedings, and the oral arguments of counsel, it is

**ORDERED** that the proceeding be remanded to EPA without vacatur of the Mercury and Air Toxics Standards final rule. See *Allied-Signal, Inc. v. Nuclear Regulatory Commission*, 988 F.2d 146, 150-51 (D.C. Cir. 1993). In so doing, we note that EPA has represented that it is on track to issue a final finding under 42 U.S.C. § 7412(n)(1)(A) by April 15, 2016.

Pursuant to D.C. Cir. Rule 36, this disposition will not be published. The Clerk is directed to withhold the issuance of the mandate herein until seven days after resolution of any timely petition for rehearing or petition for rehearing en banc. See Fed. R. App. P. 41(b); D.C. Cir. Rule 41.

**Per Curiam**

**FOR THE COURT:**

Mark J. Langer, Clerk

BY: /s/

Ken Meadows

Deputy Clerk